



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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A. Hay
12/5/02

Applicant(s): John K. Walton et al.
Serial No: 10/054,241 Group Art Unit: 2182
Filing Date: 01/22/2002 Examiner: A Elamin
Title: DATA STORAGE SYSTEM
Attorney Docket No. EMC2-078AUS

CERTIFICATE OF MAILING/TRANSMISSION 37 C.F.R. § 1.8(a)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope

Date: 11.21.02 Signature Tanya Blount
Tanya Blount

Commissioner for Patents
Washington, D.C. 20231

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Sir:

Terminal Disclaimer
Under 37 CFR 1.321(b)

Technology Center 2100

Your Petitioner, EMC Corporation, a Massachusetts corporation, having its principal place of business at 171 South Street, Hopkinton, MA 01748-9103, states that it is the assignee, by assignment dated 12/19/97, recorded on 10/07/1999 at Reel/Frame 010291/0603, of the (09/223,519) entire right, title and interest in and to the patent application identified above.

Your Petitioner hereby disclaims the terminal part of any patent granted on the application identified above that would extend beyond expiration of the full statutory term of United States Patent No. 6,389,494, of Walton et al, issued on May 14, 2002, filed on December 30, 1998, also assigned to EMC Corporation, as indicated in an Assignment recorded at Reel/Frame 010291/0603.

Your Petitioner hereby agrees that any patent so granted on the application identified above shall be enforceable only for and during such period that the legal title to said patent shall

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be the same as the legal title to United States Patent No. 6,389,494. This agreement is to run with any patent granted on the application identified above and is to be binding upon the grantee, its successor or assigns.

Your Petitioner does not disclaim any terminal part of the patent granted on the application identified above prior to the expiration of the full statutory term of United States Patent No. 6,389,494, in the event that said application patent expires earlier for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or in part, has all claims canceled by reexamination, is subject of a reissue, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

The undersigned, whose title is supplied below, is empowered to act and authorized to execute this document on behalf of the owner.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Respectfully submitted,

EMC Corporation

Dated: November 20, 2002

By: Krishnendu Gupta

Name: Krishnendu Gupta

Title: Director, Senior Counsel